

## NOTICE OF AGENCY RULE-MAKING ADOPTION

**AGENCY:** Department of Marine Resources

**CHAPTER NUMBER AND TITLE:** Chapter 45.05(1)(A)(2)  
Shrimp Season, 2003 – 2004, **Emergency** Regulations

### CONCISE SUMMARY:

These emergency regulations begin the process of establishing the 2003 – 2004 Northern Shrimp season in compliance with the Atlantic States Marine Fisheries Commission Northern Shrimp Fishery Management Plan set November 12, 2003. The season shall take place from January 19, 2004 to March 12, 2004 with Saturday and Sunday's closed. Mechanical (powered) shaking of shrimp aboard any vessel is prohibited.

A public hearing will be held in the affected area if requested of the Commissioner in writing by 5 persons. The hearing will be held within 30 days of the Commissioner receiving the written requests.

**EFFECTIVE DATE:** **Wednesday, November 26, 2003**

**AGENCY CONTACT PERSON:** Laurice U. Churchill  
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## Basis Statement

Chapter 45.05(1)(A)(2) Shrimp Season, 2003 – 2004, Emergency Regulations

The rule provides consistency with the Atlantic States Marine Fisheries Commission (ASMFC) Northern Shrimp Management Plan, based on the Commission's recommendations for the establishment of the 2003 - 2004 fishing season at its public hearing on November 12, 2003 in Portsmouth, New Hampshire. These regulations are based upon the best available stock assessment information as presented by the ASMFC Northern Shrimp Technical Committee, additional information presented by the Northern Shrimp Industry Advisory Panel and public input. This rule establishes closed periods for conservation during the period from December 1 through May 31 for mobile gear and the harvest of Northern Shrimp by trap.

This rule also prohibits the use of powered mechanical devices to cull, grade, separate or shake shrimp, which kills many small shrimp when mechanically shaken in the large volumes. The smaller volumes of shrimp such as landed by trap allow for rapid hand shaking of the catch thus assuring higher survival rates of the shrimp returned to the sea. This reduces the mortality of the smaller sub-market size shrimp supporting conservation of this resource for future harvest.

This emergency rulemaking is necessary for the timely implementation of closure periods in order to conserve the shrimp fishery from unusual damage or imminent depletion that would be caused by increased fishing effort or from the damage caused to the shrimp resource by mechanical shakers.

DEPARTMENT OF MARINE RESOURCES

Chapter 45 - Shrimp

45.05 Shrimp season

1. Shrimp Season ~~2002—2003~~2003-2004

A. Harvest and transport

(1) Closed season.

It shall be unlawful to fish for, or take by any method, or to land, ship, transport or possess any shrimp except during the period from December 1 through May 31 of any year.

(2) Fishing Season

- (a) It is unlawful for any person or vessel fishing with nets or traps to fish for, take, land, transport or to have in possession any Northern Shrimp (*Pandalus borealis*) except between the following dates, inclusive:

~~i. 38-day season:~~

~~January 15, 2003 through February 27, 2003 inclusive with all Friday's between these dates being closed, which includes the dates of January 17, 24, 31 and February 7, 14 and 21, 2003.~~

(i) 40-day season:

January 19, 2004 through March 12, 2004 with all Saturday's and Sunday's between these dates closed, which includes the dates of January 24, 25, 31, February 1, 7, 8, 14, 15, 21, 22, 28, 29 and March 6 and 7, 2004.

- (b) Unbaited shrimp traps must be removed from the water no later than 5 days after the season is closed and no shrimp may be retained from traps hauled after the close of the season.
- (c) On closed days, it is unlawful to fish for or land any shrimp during the entire 24 hour day; and it shall be prima facie evidence that any shrimp landed or possessed by harvesters during that period were taken during a closed day.
- (d) It shall be unlawful to cull, grade, separate or shake shrimp, aboard any vessel, except by implements operated solely by hand. It is illegal to possess, aboard any vessel, any powered mechanical device used to cull, grade, separate or shake shrimp.